

CONFERENCE COMMITTEE REPORT DIGEST FOR HB 1576

Citations Affected: IC 12-7-2; IC 12-17.2-3.1; IC 12-17.4-4; noncode.

Synopsis: Children and youth. Establishes the Indiana youth development charter committee of the state human resources investment council to collect data and provide recommendations regarding the availability of youth development services. Requires the committee to submit interim reports to the state human resources investment council, the governor and legislative council before November 1, 1999, and November 1, 2000, and a final report before November 1, 2001. Defines a therapeutic foster family home and a special needs foster family home. Establishes requirements for operating a therapeutic foster family home or special needs foster family home, including limits on the number of children cared for and additional training for foster parents. Provides that the division of family and children may grant an exception to the maximum number of children who may be cared for in a special needs foster home in certain situations. Requires the division of family and children to consider the specific needs of each special needs foster child whenever the division of family and children determines the appropriate number of children to place in the special needs foster home. Prohibits the division of family and children from removing a special needs foster child or a therapeutic foster child from a foster family home in which the child is placed before July 1, 1999, due to the home's failure to meet the new licensing requirements unless the division determines that remaining in the home is not in the child's best interest. Reestablishes the board for the coordination of child care regulation, which expired November 1, 1997, for a period beginning July 1, 1999, and ending July 1, 2001. Requires the board for the coordination of child care regulation to study laws governing the regulation of child care and to make recommendations to the general assembly concerning changes in the law that the board for the coordination of child care regulation finds appropriate. (This conference committee report: (1) adds one youth member appointed by the Hoosier Boys' State board of directors of the American Legion and one youth member appointed by the Hoosier Girls' State board of directors of the American Legion Auxiliary to the youth development committee; (2) establishes definitions of and various requirements for operation of therapeutic and special needs foster family homes; and (3) reestablishes the board for the coordination of child care regulation.)

Effective: July 1, 1999.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1576 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 12-7-2-180.2 IS ADDED TO THE INDIANA
- 4 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 1999]: **Sec. 180.2. "Special needs foster**
- 6 **family home", for purposes of IC 12-17.4, means a foster family**
- 7 **home:**
- 8 (1) that provides care for a child who:
- 9 (A) has a mental, physical, or emotional disability; and
- 10 (B) will require additional supervision or assistance in
- 11 behavior management, activities of daily living, or
- 12 management of medical problems; and
- 13 (2) that meets the additional requirements under
- 14 IC 12-17.4-4-1.7.
- 15 SECTION 2. IC 12-7-2-190.8 IS ADDED TO THE INDIANA
- 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 17 [EFFECTIVE JULY 1, 1999]: **Sec. 190.8. "Therapeutic foster family**
- 18 **home", for purposes of IC 12-17.4, means a foster family home:**
- 19 (1) that provides care to a seriously emotionally disturbed or
- 20 developmentally disabled child;
- 21 (2) in which the child receives treatment in a family home
- 22 through an integrated array of services supervised and
- 23 supported by qualified program staff from:
- 24 (A) the office of the secretary of family and social services;
- 25 (B) a managed care provider that contracts with the
- 26 division of mental health; or
- 27 (C) a licensed child placing agency; and

(3) that meets the additional requirements under
IC 12-17.4-4-1.5.

SECTION 3. IC 12-17.2-3.1 IS ADDED TO THE INDIANA CODE
AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 1999]:

**Chapter 3.1. Board for the Coordination of Child Care
Regulation**

**Sec. 1. (a) The board for the coordination of child care
regulation is established. The board consists of the following
members:**

**(1) One (1) employee of the division to be designated by the
director of the division.**

**(2) One (1) employee of the state department of health to be
designated by the commissioner of the state department of
health.**

(3) The state fire marshal or the state fire marshal's designee.

**(4) Ten (10) members, not more than five (5) of whom may be
from the same political party, to be appointed as follows:**

**(A) One (1) member with child development experience to
represent the public.**

**(B) One (1) member to represent operators of foster
family homes.**

**(C) Two (2) members to represent operators of child care
homes.**

**(D) One (1) member to represent operators of child caring
institutions.**

**(E) One (1) member to represent operators of group
homes and child placing agencies.**

**(F) One (1) member who is knowledgeable about the
delivery of child care services to children and who is not
an owner or operator of a facility, a ministry, or an
agency that is licensed or registered under this chapter.**

**(G) Two (2) members to represent operators of child care
centers.**

(H) One (1) member to represent child care ministries.

**(5) Two (2) at large members appointed by the speaker of the
house of representatives. The individuals appointed under
this subdivision may not be members of the same political
party.**

**(6) Two (2) at large members appointed by the president pro
tempore of the senate. The individuals appointed under this
subdivision may not be members of the same political party.**

**(b) The president pro tempore of the senate shall appoint the
board members listed under subsection (a)(4)(A), (a)(4)(B), and
(a)(4)(D), and one (1) member each under subsection (a)(4)(C) and
(a)(4)(G). The speaker of the house of representatives shall appoint
the board members listed under subsection (a)(4)(E), (a)(4)(F), and
(a)(4)(H), and one (1) member each under subsection (a)(4)(C) and
(a)(4)(G). At least one (1) of the members appointed under this
section must have knowledge or expertise, or both, in the area of
children with special needs.**

1 (c) The legislative council shall appoint the chairperson of the
2 board from among the board members.

3 Sec. 2. The terms of the members expire November 1, 2001.

4 Sec. 3. The board shall elect necessary officers from among the
5 board's members.

6 Sec. 4. The board shall meet upon the call of the chairperson.

7 Sec. 5. A majority of the members must be present for the
8 transaction of business.

9 Sec. 6. The affirmative votes of a majority of the members of the
10 board are required for the board to take action on any measure,
11 including final reports.

12 Sec. 7. The board may appoint subcommittees of the board's
13 members to receive public testimony, visit facilities, and make
14 recommendations to the full committee.

15 Sec. 8. The legislative services agency shall provide the personnel
16 necessary to staff the board.

17 Sec. 9. Each member of the board who is not a member of the
18 general assembly is entitled to reimbursement for traveling and
19 other expenses actually incurred in connection with the member's
20 duties, as provided in the state travel policies and procedures
21 established by the Indiana department of administration and
22 approved by the budget agency. Each member who is not a state
23 employee is entitled to the minimum salary per diem as provided
24 in IC 4-10-11-2.1(b).

25 Sec. 10. Each member of the board who is a member of the
26 general assembly is entitled to receive the same per diem, mileage,
27 and travel allowances paid to members of the general assembly
28 serving on interim study committees established by the legislative
29 council. Payments made to a member of the general assembly
30 under this section shall be paid from funds appropriated to the
31 legislative council and the legislative services agency for this
32 purpose.

33 Sec. 11. The board shall study the laws governing the regulation
34 of child care and make recommendations to the general assembly
35 concerning changes in the law the board finds are appropriate.
36 Before November 1 of each year, the board shall submit a written
37 report to the legislative council that identifies the board's
38 recommendations and discusses the status of the board's
39 continuing program of study. The board's program of study under
40 this section must include a study of the following topics:

41 (1) The need for changes in the scope and degree of child care
42 regulation established by statute or rule, or both.

43 (2) The need to reorganize governmental units involved in the
44 regulation of child care facilities to promote effective and
45 efficient child care regulation, including the form that a
46 needed reorganization should take.

47 (3) A method for the completion of a statewide needs
48 assessment to determine the availability and projected need
49 for safe and affordable child care.

50 (4) The need for programs to meet the needs of Indiana
51 residents if the board determines that safe and affordable

child care facilities are not available and easily accessible to Indiana residents.

(5) The effect of pending and enacted federal legislation on child care in Indiana and the need for statutory changes to qualify for federal child care grants and to comply with federal child care requirements.

Sec. 12. This chapter expires November 1, 2001.

SECTION 4. IC 12-17.4-4-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 1.5. (a) A person may not operate a therapeutic foster family home without a license issued under this article.**

(b) The state or a political subdivision of the state may not operate a therapeutic foster family home without a license issued under this article.

(c) The division may only issue a license for a therapeutic foster family home that meets:

(1) all of the licensing requirements of a foster family home; and

(2) the additional requirements described in this section.

(d) An applicant for a therapeutic foster family home license must do the following:

(1) Be licensed as a foster parent under 470 IAC 3-1-1 et seq.

(2) Participate in thirty (30) hours of pre-service training that includes:

(A) twenty (20) hours of pre-service training to be licensed as a foster parent under 470 IAC 3-1-1 et seq.; and

(B) ten (10) hours of additional pre-service training in therapeutic foster care.

(e) A person who is issued a license to operate a therapeutic foster family home shall, within one (1) year after meeting the training requirements of subsection (d)(2) and annually thereafter, participate in twenty (20) hours of training that includes:

(1) ten (10) hours of training as required in order to be licensed as a foster parent under 470 IAC 3-1-1 et seq.; and

(2) ten (10) hours of additional training in order to be licensed as a therapeutic foster parent under this chapter.

(f) An operator of a therapeutic foster family home may not provide supervision and care in a therapeutic foster family home to more than two (2) foster children at the same time, not including the children for whom the applicant or operator is a parent, stepparent, guardian, custodian, or other relative. The division may grant an exception to this subsection whenever the placement of siblings in the same therapeutic foster family home is desirable or in the best interests of the foster children residing in the home.

SECTION 5. IC 12-17.4-4-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 1.7. (a) A person may not operate a special needs foster family home without a license issued under this article.**

(b) The state or a political subdivision of the state may not

operate a special needs foster family home without a license issued under this article.

(c) The division may only issue a license for a special needs foster family home that meets:

(1) all of the licensing requirements of a foster family home; and

(2) the additional requirements described in this section.

(d) An applicant for a special needs foster family home license must be licensed as a foster parent under 470 IAC 3-1-1 et seq. that includes participating in twenty (20) hours of pre-service training.

(e) A person who is issued a license to operate a special needs foster family home shall, within one (1) year after meeting the training requirements of subsection (d) and annually thereafter, participate in twenty (20) hours of training that includes:

(1) ten (10) hours of training as required in order to be licensed as a foster parent under 470 IAC 3-1-1 et seq.; and

(2) ten (10) hours of additional training that includes specialized training to meet the child's specific needs.

(f) An operator of a special needs foster family home may not provide supervision and care as a special needs foster family home if more than:

(1) eight (8) individuals, each of whom either:

(A) is less than eighteen (18) years of age; or

(B) is at least eighteen (18) years of age and is receiving care and supervision under an order of a juvenile court;

or

(2) four (4) individuals less than six (6) years of age;

including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative, receive care and supervision in the home at the same time. Not more than four (4) of the eight (8) individuals described in subdivision (1) may be less than six (6) years of age. The division may grant an exception to this section whenever the division determines that the placement of siblings in the same special needs foster home is desirable.

(g) The division shall consider the specific needs of each special needs foster child whenever the division determines the appropriate number of children to place in the special needs foster home under subsection (f). The division may require a special needs foster family home to provide care and supervision to less than the maximum number of children allowed under subsection (f) upon consideration of the specific needs of a special needs foster child.

SECTION 6. [EFFECTIVE JULY 1, 1999] (a) As used in this SECTION, "division" refers to the division of family and children established by IC 12-13-1-1.

(b) As used in this SECTION, "special needs foster child" means a child who:

(1) is placed in a foster family home by the division of family and children;

(2) has a mental, a physical, or an emotional disability; and

(3) will require additional supervision or assistance in

behavior management, activities of daily living, or management of medical problems.

(c) As used in this SECTION, "therapeutic foster child" means a child who:

(1) is placed in a foster family home by the division of family and children;

(2) is seriously emotionally disturbed or developmentally disabled; and

(3) receives treatment in a foster family home through an integrated array of services supervised and supported by qualified program staff from:

(A) the office of the secretary of family and social services;

(B) a managed care provider that contracts with the division of mental health; or

(C) a licensed child placing agency.

(d) Except as provided in subsection (e), the division may not remove a special needs foster child or a therapeutic foster child from a foster family home in which the child is placed before July 1, 1999, because the foster family home does not meet the requirements for operating a:

(1) therapeutic foster family home under IC 12-17.4-4-1.5, as added by this act; or

(2) special needs foster family home under IC 12-17.4-4-1.7, as added by this act.

(e) The division may remove a special needs foster child or a therapeutic foster child from a foster family home in which the child is placed before July 1, 1999, because the foster family home does not meet the requirements described in subsection (d)(1) or (d)(2) if the division determines that remaining in the foster family home is not in the child's best interest."

Page 2, between lines 20 and 21, begin a new line block indented and insert:

"(8) One (1) individual who is a youth appointed by the Hoosier Boys' State board of directors of the American Legion.

(9) One (1) individual who is a youth appointed by the Hoosier Girls' State board of directors of the American Legion Auxiliary".

Page 2, line 21, delete "(8)" and insert "(10)".

Page 2, line 24, delete "(9)" and insert "(11)".

Page 2, line 26, delete "(10)" and insert "(12)".

Page 2, line 28, delete "(11)" and insert "(13)".

Page 2, line 30, delete "(9), (10), and" and insert "(11), (12), and".

Page 2, line 31, delete "(11)" and insert "(13)".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1576 as reprinted April 9, 1999.)

Conference Committee Report
on
House Bill 1576

Signed by:

Senator Lubbers

Representative Bardon

Senator Rogers

Representative Bosma

Senate Conferees

House Conferees